

OCT 25 2010

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

CIVIL NO. 5:10cv17

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

2.5 acres, Turnersburg Township, as)
described in Book 1965, Page 1143, of the)
Registry of Deeds, Iredell County, North)
Carolina, being real property, together)
with the residence, and all appurtenances,)
improvements, and attachments thereon,)

and)

Lots 54 and 55, Holly Ridge, Phase II, as)
described in Book 1965, Page 1141, of the)
Registry of Deeds, Iredell County, North)
Carolina, being real property, together)
with the residence, and all appurtenances,)
improvements, and attachments thereon,)

and)

16.8 Acres, Turnersburg Township, as)
described in Book 1965, Page 1145, of the)
Registry of Deeds, Iredell County, North)
Carolina, being real property, together)
with the residence, and all appurtenances,)
improvements, and attachments thereon,)

Defendants.)

CONSENT JUDGMENT

WHEREAS, the United States filed a Verified Complaint for Forfeiture in Rem against the defendant real properties on February 19, 2010; and,

WHEREAS, the Complaint alleged that the defendant real properties were things of value furnished or intended to be furnished by any person in exchange for controlled substances or listed chemicals in violation of Chapter 13, Drug Abuse Prevention and Control, of Title 21 of the United States Code, §§ 801 *et seq.*, and proceeds traceable thereto; and were used or intended to be used, in any manner or part, to commit, or to facilitate the commission of violations punishable by more than one year's imprisonment of Chapter 13, Drug Abuse Prevention and Control, of Title 21 of the United States Code, §§ 801 *et seq.*; and were therefore subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6) and (a)(7).

WHEREAS, the Court issued a Writ of Entry on February 24, 2010; and,

WHEREAS, on March 23, 2010, Joseph Blaine Sutherland, titled owner of record of defendant real properties, 2.5 Acres and Lots 54 and 55, as further described in the caption above, filed a Claim asserting his ownership interest in those defendant real properties; and filed an Answer on April 12, 2010, and,

WHEREAS, Amanda Beth Sutherland, titled owner of record of defendant property 16.8 Acres, as further described above in the caption above, filed a Claim asserting her ownership interest in that defendant property; and filed an Answer on April 12, 2010, and,

WHEREAS, on March 1, 2010, the United States duly noticed possible claimant Blaine Virgil Sutherland, Jr. pursuant to Rule G(4) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, Title 28, U.S.C. Appendix.

WHEREAS, the United States and Claimants Amanda Sutherland and Joseph Blaine Sutherland stipulate that they know of no other entity or person who has an ownership interest in the defendant real properties; and,

WHEREAS, on March 28, 2010, and for thirty days thereafter, the United States, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, Title 28, U.S.C. Appendix, published notice on an official internet government forfeiture site (www.forfeiture.gov) of its intent to forfeit the defendant real properties, and no other persons or entities have filed a claim to the defendant real properties; and,

WHEREAS, discovery and settlement negotiations between the United States and the Claimants have been conducted; and,

WHEREAS, Amanda Beth Sutherland hereby withdraws her Claim; and

WHEREAS, the United States has agreed to dismiss defendant real properties 2.5 Acres and Lots 54 and 55 from this action; and,

WHEREAS, Amanda Beth Sutherland and Joseph Blaine Sutherland have agreed to release and forever discharge the United States, its agents, servants and employees, its successors or assigns, and all state or local governmental entities or law enforcement agencies in North Carolina and their agents, servants and employees, their heirs, successors, or assigns, from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims, and/or demands whatsoever in law or equity which Claimants or their heirs, successors, or assigns ever had, now have, or may have in the future in connection with this

investigation, seizure, detention, and forfeiture; and have agreed to bear their own costs, including attorney fees;

WHEREAS, the parties consent to the United States Magistrate Judge conducting all proceedings, including entry of this Consent Judgment, pursuant to 28 U.S.C. §636(c).

NOW, THEREFORE, THE COURT FINDS THAT:

1. A Verified Complaint for Forfeiture *in Rem* of the defendant properties was filed on February 19, 2010.
2. Process and notice were fully issued in this action and returned according to law.
3. Amanda Beth Sutherland filed a timely Claim of ownership of and Answer concerning defendant real property 16.8 Acres.
4. Joseph Blaine Sutherland filed a timely Claim of ownership of and Answer concerning defendant real properties 2.5 Acres and Lots 54 and 55.
5. Amanda Beth Sutherland has now withdrawn her Claim.
6. There are no other claimants and all other possible claimants are now in default.
7. The United States has agreed to dismiss defendant properties 2.5 Acres and Lots 54 and 55 from this action.
8. Pursuant to 21 U.S.C. § 881(a)(6), the defendant property 16.8 Acres is subject to forfeiture as traceable proceeds of the offense alleged in the Complaint.
9. The actions taken by the United States were reasonable and proper.

Based on the foregoing findings, IT IS HEREBY ORDERED, ADJUDGED,
AND DECREED that:

1. The following property is forfeited to the United States to be disposed of
according to law:

16.8 Acres, Turnersburg Township, as described in Book 1965, Page 1145, of the Registry of Deeds, Iredell County, North Carolina, being real property, together with the residence, and all appurtenances, improvements, and attachments thereon.

2. The following properties are hereby dismissed from this action with prejudice:

2.5 acres, Turnersburg Township, as described in Book 1965, Page 1143, of the Registry of Deeds, Iredell County, North Carolina, being real property, together with the residence, and all appurtenances, improvements, and attachments thereon,

and

Lots 54 and 55, Holly Ridge, Phase II, as described in Book 1965, Page 1141, of the Registry of Deeds, Iredell County, North Carolina, being real property, together with the residence, and all appurtenances, improvements, and attachments thereon.

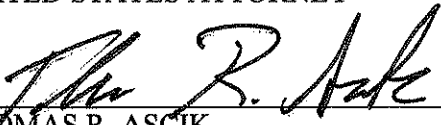
3. All parties are to bear their own costs of this action, including attorneys fees.

Signed this the 22nd day of October, 2010.


UNITED STATES JUDGE

ON MOTION OF AND WITH CONSENT OF:

ANNE M TOMPKINS
UNITED STATES ATTORNEY


THOMAS R. ASCIK
ASSISTANT UNITED STATES ATTORNEY


Date: 10/21/10


AMANDA BETH SUTHERLAND

Date: 10/14/10


JOSEPH BLAINE SUTHERLAND

Date: 10/14/10


RICHARD DEKE FALLS
counsel to
Amanda Beth Sutherland and Joseph Blaine Sutherland

Date: 10/18/10